

488161



DEPT. OF TRANSPORTATION
DOCKETS

2007 SEP 27 P 4:00

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

Fairlane Plaza South
330 Town Center Drive
Dearborn, MI 48126-2738 USA

June 22, 2007

NHTSA-2007-28769-1

Ms. Nicole R. Nason, Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Ms. Nason:

Subject: Petition for Determination of Inconsequential Non-Compliance – 2000 through 2004 Model Year Ford Focus and 2001 through 2004 Model Year Ford Escape FMVSS 209 Service Seat Belt Assembly Installation, Usage, and Maintenance Instructions

Ford Motor Company (Ford) is a domestic manufacturer of motor vehicles, incorporated under the laws of the State of Delaware, with offices at the American Road, Dearborn, Michigan. On June 4, 2007, Ford notified NHTSA, pursuant to 49 C.F.R. Part 573 that 2000 through 2004 model year Ford Focus and 2001 through 2004 model year Ford Escape service seat belt kits did not fully meet the requirements of FMVSS 209 Section S4.1 for accompaniment of installation, usage, and maintenance instructions. Pursuant to Section 30118(d) of the Motor Vehicle Safety Act and related regulation at 49 C.F.R. Part 556, Ford now petitions the Administrator for relief from the notification and remedy requirements established in Sections 30118, 30119, and 30120 of the Motor Vehicle Safety Act on the grounds that the noncompliance is inconsequential as it relates to motor vehicle safety, for the reasons set forth in this petition.

Paragraph S4.1(k) of FMVSS 209 specifies that a service seat belt assembly be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle. Paragraph S4.1(l) of FMVSS 209 specifies that a seat belt assembly be accompanied by written instructions for the proper usage and maintenance of the belt. Service seat belt assemblies for 2000-2004 Ford Focus vehicles supplied from July 1999 to May 17, 2007, and service seat belt assemblies for 2001-2004 Ford Escape vehicles supplied from June 2000 to April 18, 2007, were sold in the United States and federalized territories without the installation, usage, and maintenance instructions referenced in S4.1 (k) and S4.1(l) of FMVSS 209. Approximately 180,603 Focus service seat belt assemblies and approximately 191,352 Escape service seat belt assemblies were distributed without these instructions.

The service seat belt assemblies in question are only made available to Ford authorized dealerships for their use or subsequent resale. The Ford parts ordering process used by our dealers clearly identifies the correct service part required by model year, model, and seating position. Hence an order for a driver's-side front buckle assembly for a 2002 model year Focus, for example, will be filled by the components specifically designed to be installed in that particular position in that specific vehicle. Service seat belt assemblies are designed to be installed properly only in their intended application.

NHTSA-2007-28769

ES07-3209



Technicians at Ford dealerships that replace seat belts would have access to the installation instruction information in the workshop manual. Installers other than Ford dealership technicians also have seat belt installation information available because all workshop manual information including seat belt replacement information, is made available to the general public on the Ford Motorcraft website and through aftermarket service information compilers such as Mitchell and Alldata.

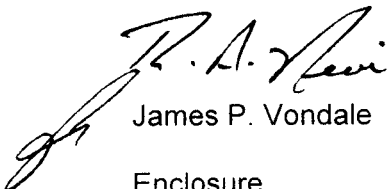
A significant portion of FMVSS S4.1(k) appears to address a concern with proper installation of aftermarket seat belts into vehicles that were not originally equipped with these restraints. Indeed SAE J800c which is cited in the regulation, involves installation of "universal type seat belt assemblies," particularly where no seat belt had previously been installed. Clearly, these concerns do not apply to the service seat belts for the vehicle applications that are under consideration here. These vehicles have uniquely designed seat belt components and the replacement part is being installed into the identical location from which the original part was removed.

Proper seat belt usage instructions are clearly laid out in the Owner Guide that is included with each new vehicle. There are no requirements for scheduled maintenance on the seat belt assemblies in the subject vehicles. Information concerning periodic inspection for wear and function of the seat belts, as well as for their proper usage is included in the vehicle Owner Guide and this information applies as equally to service seat belt assemblies as it does to the original equipment belts. All Ford Owner Guides, including those for the 2000-2004 Focus and 2001-2004 Escape, are also available to the public, free of charge on the Ford Motorcraft website.

Ford is not aware of any customer or field reports of service seat belt assemblies being incorrectly installed in the subject applications as a result of installation instructions not accompanying the service part. Ford also is not aware of any reports requesting installation instructions, which is believed to be indicative of the availability of this information from the sources listed above.

Based on the foregoing, Ford requests that the agency find this condition to be inconsequential as it relates to motor vehicle safety and grant Ford an exemption from the notice and remedy requirements of the Motor Vehicle Safety Act.

Sincerely,



James P. Vondale

Enclosure

Ford Motor Company

Automotive Safety Office
Environmental and Safety Engineering

June 4, 2007

07V-261
(3 pages)

Mr. Daniel C. Smith
Associate Administrator for Safety Assurance
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Mr. Smith:

Subject: 2000-2004 Model Year Ford Focus and 2001-2004 Model Year Ford Escape Service
Seat Belt Assembly Installation, Usage, and Maintenance Instructions

Ford Motor Company (Ford) has determined that service seat belt assemblies for 2000-2004 model year Ford Focus vehicles and for 2001-2004 model year Ford Escape vehicles do not fully meet the requirements of FMVSS 209 S4.1 for accompaniment of installation, usage and maintenance instructions.

Service seat belt assemblies for 2000-2004 model year Ford Focus vehicles distributed from July 1999 to May 17, 2007 and service seat belt assemblies for 2001-2004 model year Ford Escape vehicles distributed from June 2000 to April 18, 2007 are affected.

No other Ford service seat belt assemblies are affected and we are not aware of any field or owner complaints related to this condition. In our judgment, the condition does not present a risk to motor vehicle safety as the Ford parts ordering system clearly identifies the appropriate service part for each vehicle application. The service parts are unique to each application and the instructions in question are readily available in Ford publications and on Ford websites. Therefore, Ford intends to petition the Administrator for exemption from the notification and remedy requirements of the Federal Motor Vehicle Safety Act on the basis that the condition is inconsequential as it relates to motor vehicle safety.

Attached is the detailed information required by the applicable portions of 49 CFR Part 573 - Defect and Non-Compliance Information Report.

Sincerely,


James P. Vondale

Attachment

RECEIVED

2007 JUNE -7 P 2:30

DEFECTS INVESTIGATION
RECALL MGMT DIV.



49 CFR Part 573 - NON-COMPLIANCE INFORMATION REPORT
2000-2004 MODEL YEAR FORD FOCUS AND
2001-2004 MODEL YEAR FORD ESCAPE SERVICE SEAT BELT ASSEMBLY
INSTALLATION, USAGE, AND MAINTENANCE INSTRUCTIONS

Pursuant to Part 573 of Title 49 of the Code of Federal Regulations, Defect and Noncompliance Reports, Ford Motor Company (Ford) submits the following information concerning a noncompliance to the requirements of Sections S4.1(k) and S4.1(l) of FMVSS 209 for service seat belt assemblies applicable to 2000-2004 model year Ford Focus and 2001-2004 model year Ford Escape vehicles. In addition, Ford is indicating its intent to petition the Administrator for exemption from the notification and remedy requirements of the Federal Motor Vehicle Safety Act on the basis that the condition is inconsequential as it relates to motor vehicle safety.

573.6 (c) (2) - Potentially Affected Seat Belt Assemblies

Service seat belt assemblies for 2000-2004 model year Focus vehicles sold from July 1999 through May 17, 2007, and service seat belt assemblies for 2001-2004 model year Escape vehicles sold from June 2000 through April 18, 2007, are potentially affected.

Because these seat belt assemblies supplied for service can be used for non-warranty purposes, it is not possible for Ford to ascertain into which individual vehicles these parts may have been installed.

573.6 (c) (3) - Estimated Population of Seat Belt Assemblies Potentially Affected

Approximately 180,603 service seat belt assemblies for 2000-2004 model year Focus vehicles and 191,352 service seat belt assemblies for 2001-2004 model year Escape vehicles sold in the United States and federalized territories.

573.6 (c) (4) - Estimated Percentage of Affected Seat Belt Assemblies with the Condition

100%.

573.6 (c) (5) - Description of Non-Compliance

FMVSS 209 Sections S4.1(k) and S4.1(l) require service replacement seat belt assemblies to be accompanied by an instruction sheet providing information regarding the installation of the assembly in a motor vehicle and regarding the proper use and maintenance for the replacement assembly, respectively. Seat belt service kits for 2000-2004 model year Ford Focus vehicles and 2001-2004 model year Ford Escape vehicles were distributed to dealers without these instructions.

573.6 (c) (7) - Basis of Non-Compliance Determination

In March 2007, Ford was advised that installation instruction sheets were not released as a component of service seat belt assemblies for 2001-2004 model year Escape vehicles. Ford conducted a subsequent audit of service seat belt kits and part releases, and identified the same concern for 2000-2004 model year Focus service seat belt assemblies. Ford service seat belt assemblies for all of our other vehicles include instruction sheets.

After the audit, Ford reviewed FMVSS 209 requirements, history, and interpretations related to the requirement that seat belt assemblies be accompanied by instructions. Based on the audit and the reviews, Ford determined that the service kits for 2001-2004 model year Escape vehicles and for 2000-2004 model year Focus vehicles do not meet the requirements of FMVSS 209, S4.1(k). As the installation instructions also contain the usage and maintenance instructions, Ford determined that these service kits do not meet the requirements of S4.1(l) as well.

Ford is reworking all the service seat belt assemblies in inventory in our Part Distribution Centers by adding the required installation, usage and maintenance instructions and has made these instructions available to dealers for any service parts they have in stock.

573.6 (c) (8) (iii) – Notification of Intent to File a Petition for Exemption from Notification and Remedy Requirements

This condition does not present a risk to motor vehicle safety for the following reasons:

- 1) The parts ordering system used by Ford dealers clearly identifies the correct service seat belt components for any given model/model year combination;
- 2) The parts are unique to each vehicle and are designed to assemble properly only in their intended application;
- 3) Installation instructions for seat belts are readily available in Ford workshop manuals and on the internet.
- 4) The service parts have been successfully installed with information already available.

Ford is not aware of any customer or field reports related to this condition and there are no known reports of accidents or injuries attributed to this condition.

573.6 (c) (11) - Press statement and Dealer/Owner Letters

Ford does not at this time plan to make a public statement concerning the subject matter of this safety compliance action, nor do we plan to submit any notification letters to owners or dealers.

573.6 (c) (12) - Recall Number

Because a campaign is not planned at this time, Ford has not assigned a recall number to this action.

NHTSA - 2007 - 28769